

REMARKS/ARGUMENTS

The non-final Office Action of January 7, 2008, has been reviewed and these remarks are responsive thereto. By this amendment, claims 4, 7, 12, 15, 20, and 23 have been canceled without prejudice or disclaimer, new claims 34-39 have been added, and the specification has been amended. No new matter has been added. Claims 1, 5, 6, 9, 13, 14, 17, 21, 22, and 25-39 are pending in this application upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 1, 4-7, 9, 12-15, 17, 20-23, and 25-33 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action alleges that the feature of concurrently displaying portions of the EPG on the video display and the second display is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant respectfully disagrees.

Applicant may rely for disclosure upon the specification with original claims and drawings, as filed. M.P.E.P. § 608. Claim 2 of the instant application as originally filed, states “wherein the video display can display a portion of the EPG concurrently displayed on the second display of the computing device.” This disclosure, along with the additional support found throughout the specification, clearly conveys that the inventor had possession of the claimed invention at the time the application was filed. Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph, be reconsidered and withdrawn.

Rejections Under 35 U.S.C. § 101

Claims 17, 20-23, 27, 30, and 33 stand rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Specifically, the Office Action alleges that paragraph [0039] of the instant specification defines a machine-readable medium as encompassing carrier signals. Applicant respectfully disagrees that paragraph [0039] defines machine-readable media as including such signals. Additionally, in order to expedite prosecution, Applicant has amended paragraph [0040] of the specification to remove the words “electrical, optical, acoustical, and other forms of propagated signals (e.g., carrier waves, infrared signals, digital signals, etc.).”

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 101 be reconsidered and withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1, 4, 7, 9, 12, 15, 17, 20, 23, and 25-30 stand rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,862,741 (Grooters). Applicant respectfully traverses this rejection for at least the follow reasons.

Independent claim 1 recites, “wherein the computing device is configured to display at least a portion of the EPG on the second display while the video display is concurrently displaying at least a portion of the EPG.” (Emphasis added) The Office Action alleges on page 6 that Grooters discloses concurrently displaying a portion of the EPG on multiple displays at col. 7, lines 24-26, and in claim 1. Applicant respectfully disagrees. Neither these sections, nor any other portion of Grooters, uses the word “concurrently” or includes any equivalent term. For example, col. 7, lines 24-36 of Grooters describes that an EPG may be initially displayed on the first display 226. Then, when the user highlights an item on the first display, program guide data is displayed on the second display 228, “rather than on display 226.” (Emphasis Added). Thus, Grooters never expressly discloses that portions of the EPG are displayed “concurrently” on two displays, and, if anything, seems to indicate in this section that the EPG would not be displayed concurrently on both devices. Accordingly, since Grooters does not disclose or suggest “display[ing] at least a portion of the EPG on the video display while concurrently displaying at least a portion of the EPG on the second display,” claim 1 is not anticipated by Grooters.

Independent claims 9 and 17 each recite, “causing at least a portion of the EPG to be displayed on the first video display while concurrently displaying at least a portion of the EPG on the second display.” Therefore, for similar reasons to those discussed above in reference to claim 1, Grooters also does not anticipate claims 9 or 17. Dependent claims 25-33 are thus also not anticipated by Grooters for at least the same reasons as their respective base claims 1, 9, and 17, as well as based on the additional features recited therein.

For example, claims 25-27 each recite displaying the entire EPG on the video display concurrently while displaying the entire EPG on the second display. Additionally, claims 31-33 each recite displaying less than the entire EPG on the video display concurrently while displaying at least a portion of the EPG on the second display. The Office Action alleges on page 7 that Grooters teaches these additional feature somewhere between col. 5, line 43 and col. 8, line 20.

However, nowhere in any of these sections does Grooters disclose or suggest displaying the entire EPG (or less than the entire EPG), on the video display while concurrently displaying the entire EPG (or a portion of the EPG) on the second display, as recited in these claims. Should these rejections be maintained in a subsequent office action, Applicant respectfully requests that the Examiner identify with more specificity the location within the cited references where these features are alleged described.

Rejections Under 35 U.S.C. §103

Claims 5-6, 13-14 and 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Grooters in view of U.S. Patent No. 6,774,926 (Ellis). However, Ellis fails to overcome the above-discussed deficiencies of Grooters, in that Ellis also fails to disclose or suggest “display[ing] at least a portion of the EPG on the video display while concurrently displaying at least a portion of the EPG on the second display,” as recited in claim 1, or “causing at least a portion of the EPG to be displayed on the first video display while concurrently displaying at least a portion of the EPG on the second display,” as recited in claim 9 and 17. Accordingly, dependent claims 5-6, 13-14 and 21-22 are not obvious in view of the purported combination of Grooters and Ellis for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

New Claims

Applicant has added new dependent claims 34-39 to more fully claim the invention. No new matter has been added. Each of claims 34-39 is allowable over the cited art for at least the same reasons as their respective base claims, as well as based on the additional features recited therein. For example, claim 37 recites wherein the portion of the EPG displayed on the first video display is the same as the portion of the EPG concurrently displayed on the second display. As discussed above, Grooters does not expressly disclose displaying portions of an EPG concurrently on two displays. However, even if Grooters disclosed such a feature, it still would not teach or suggest the same portion of the EPG being displayed on both displays.

Additionally, claim 38 recites displaying on the second display a preview of a broadcast program displayed in the EPG, and claim 39 further recites wherein the preview of the broadcast program is displayed on the second display concurrently while a separate broadcast program is displayed on the first video display. Support for these features can be found paragraph [0029] of

the specification, both as originally filed and further as presently amended herein. Support for the present amendment to paragraph [0029] of the specification can be found in the U.S. Provisional Application Ser. No. 60/215,681, page 3, lines 6-7. Since none of the cited references teaches or suggests the additional features recited in claims 38 and 39, Applicant submits that these claims are further allowable.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicant's undersigned representative at the below-listed number.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 1st day of October, 2008

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